

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KEENAN WATKINS,

Petitioner,

v.

JEREMY BEAN,

Defendants.

Case No. 2:24-cv-01100-RFB-DJA

SCHEDULING ORDER

On October 22, 2024, this Court granted Petitioner Keenan Watkins's motion for appointment of counsel, provisionally appointed the Federal Public Defender, and gave the Federal Public Defender 30 days to (1) undertake direct representation of Watkins by filing a notice of appearance or (2) indicate the office's inability to represent Watkins in these proceedings. (ECF No. 3.) On November 19, 2024, the Federal Public Defender timely filed their notice of appearance. ECF No. 7.

IT IS THEREFORE ORDERED that the Federal Public Defender, through Jonathan Kirshbaum, Esq., is appointed as counsel for Watkins pursuant to 18 U.S.C. § 3006A(a)(2)(B). Counsel will represent Watkins in all federal proceedings related to this matter, including any appeals or certiorari proceedings, unless allowed to withdraw.

IT IS FURTHER ORDERED that Watkins shall have up to and including 90 days from entry of this order within which to file an amended petition and/or seek other appropriate relief. Neither the foregoing deadline nor any extension thereof signifies or will signify any implied finding as to the expiration of the federal limitation period and/or of a basis for tolling

1 during the time period established. Watkins remains responsible for calculating the running of the
2 federal limitation period and timely asserting claims, without regard to any deadlines established
3 or extensions granted herein. That is, by setting a deadline to amend the petition and/or by granting
4 any extension thereof, the Court makes no finding or representation that the petition, any
5 amendments thereto, and/or any claims contained therein are not subject to dismissal as
6 untimely. See Sossa v. Diaz, 729 F.3d 1225, 1235 (9th Cir. 2013).

8 **IT IS FURTHER ORDERED** that Respondents shall file a response to the amended
9 petition, including potentially by motion to dismiss, within 60 days of service of an amended
10 petition and that Watkins may file a reply thereto within 30 days of service of the answer. The
11 response and reply time to any motion filed by either party, including a motion to dismiss, shall be
12 governed instead by Local Rule LR 7-2(b).

14 **IT IS FURTHER ORDERED** that any procedural defenses raised by Respondents to the
15 counseled amended petition shall be raised together in a single consolidated motion to dismiss. In
16 other words, the Court does not wish to address any procedural defenses raised herein either in
17 seriatum fashion in multiple successive motions to dismiss or embedded in the answer. Procedural
18 defenses omitted from such motion to dismiss will be subject to potential waiver. Respondents
19 shall not file a response in this case that consolidates their procedural defenses, if any, with their
20 response on the merits, except pursuant to 28 U.S.C. § 2254(b)(2) as to any unexhausted claims
21 clearly lacking merit. If Respondents do seek dismissal of unexhausted claims under § 2254(b)(2):
22 (a) they shall do so within the single motion to dismiss not in the answer; and (b) they shall
23 specifically direct their argument to the standard for dismissal under § 2254(b)(2) set forth in
24 Cassett v. Stewart, 406 F.3d 614, 623-24 (9th Cir. 2005). In short, no procedural defenses,
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1 including exhaustion, shall be included with the merits in an answer. All procedural defenses,
2 including exhaustion, instead must be raised by motion to dismiss.

3 **IT IS FURTHER ORDERED** that, in any answer filed on the merits, Respondents shall
4 specifically cite to and address the applicable state court written decision and state court record
5 materials, if any, regarding each claim within the response as to that claim.
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7 **IT IS FURTHER ORDERED** that any state court record and related exhibits filed herein
8 by either Watkins or Respondents shall be filed with a separate index of exhibits identifying the
9 exhibits by number. The CM/ECF attachments that are filed further shall be identified by the
10 number or numbers of the exhibits in the attachment. If the exhibits filed will span more than one
11 ECF Number in the record, the first document under each successive ECF Number shall be either
12 another copy of the index, a volume cover page, or some other document serving as a filler, so that
13 each exhibit under the ECF Number thereafter will be listed under an attachment number (i.e.,
14 Attachment 1, 2, etc.).
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16 **IT IS FURTHER ORDERED** that courtesy copies of exhibits shall not be provided.
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18 **DATED:** March 16, 2025
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21 **RICHARD F. BOULWARE, II**
22 **UNITED STATES DISTRICT JUDGE**
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